REMARKS

Claims 1-6, 9, 12, 14, 22, 29, 35-36, 38 and 41 are amended. Support for the respective amendments to the claims can be found at least at page 23, line 6 to page 33, line 24 of the Specification, and Figs. 1, 2 and 3 of the Drawings. No new claims are added. Claims 15, 18-19 and 28 are cancelled without prejudice. Applicant expressly reserves the right to pursue the cancelled claims in one or more continuation or divisional applications.

Claims 1-14, 16-17, 20-27 and 29-42 are pending for consideration. In view of the following amendments and remarks, Applicant respectfully requests that this application be allowed and forwarded on to issuance.

Examiner Interview

Applicant respectfully thanks the Examiner for the time spent discussing the disposition of this case on March 20, 2007, with Applicant's representative via telephone. During the discussion, Applicant and the Examiner discussed the cited art and some claim modifications that would potentially receive favorable treatment by the Examiner. However, no final agreement was reached during the telephonic interview. While Applicant believes that such modifications are unnecessary, in the spirit of advancing prosecution of this matter, Applicant has made the clarifying amendments listed above and discussed below.

Objection to the Specification

The disclosure is objected to due to informalities. Specifically, U.S. Patent Application Numbers are missing at pages 24 and 26 (page 2 of Office action).

The text of the Specification has been amended as indicated above.

Specifically, U.S. Patent Application Nos. "10/691,885" and "10/684,263" have been added at line 22 of page 24, and at line 23 of page 26, of the Specification, respectively. Applicant believes that the amendments to the Specification fully address the objection raised by the Office, and Applicant respectfully requests that such objection be withdrawn.

§ 112 Rejections

Claims 15 and 18-19 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Office asserts that claims 15 and 18-19 respectively recite the trademark/ trade name WINDOWS.TM (page 2 of Office action).

Claims 15 and 18-19 have been cancelled as indicated above. Applicant asserts that the § 112 rejection of claims 15 and 18-19 is now moot in view of the cancellation of these claims.

§ 101 Rejections

Claims 1-5 stand rejected under 35 U.S.C. § 101 as being directed to an intangible signal, or form of energy, that does not constitute a statutory process, machine, manufacture, or composition of matter (page 3 of Office action).

Claims 1-28 stand rejected under 35 U.S.C. § 101 as being directed to non-functional material that does not constitute a statutory process, machine, manufacture, or composition of matter (page 4 of Office action). As claims 15, 18-19 and 28 have been cancelled as indicated above, the § 101 rejection of claims 15, 18-19 and 28 is now moot.

Independent claims 1, 6, 12 and 22 have been amended as indicated above. Specifically, claim 1 has been amended to recite, among other things, "...computer-readable storage media...", thus reciting tangible subject matter. Furthermore, the limitations recited by the subject matter of claim 1 (as amended) are common to "A programming interface..." and are thus interrelated.

Claim 6 has been amended to recite, among other things, "A system implemented by way of one or more computers...", thus reciting tangible subject matter. Furthermore, the means-plus-function limitations as recited by the subject matter of claim 6 (as amended) are common to "A system..." and are thus interrelated.

Claim 12 has been amended to recite, among other things, "A method implemented by way of one or more computers...", thus reciting a method performed within a tangible context. Furthermore, the limitations recited by the subject matter of claim 12 (as amended) are common to "A method..." and are thus interrelated.

Claim 22 has been amended to recite, among other things, "A method implemented by way of one or more computers...", thus reciting a method performed within a tangible context. Furthermore, the limitations recited by the subject matter of claim 22 (as amended) are common to "A method..." and are thus interrelated.

Applicant asserts that independent claims 1, 6, 12 and 22 recite respective *functional* - and thus statutory - subject matter. Please see MPEP 2106(IV)(B)(1). In view of the foregoing, Applicant asserts that the § 101 rejection of independent claims 1, 6, 12 and 22 have been fully addressed.

As claims 2-5, 7-11, 13-14, 16-17, 20-21 and 23-27 respectively depend from independent claims 1, 6, 12 and 22, it is axiomatic that the § 101 rejections against claims 2-5, 7-11, 13-14, 16-17, 20-21 and 23-27, as respectively amended, have also been addressed. Applicant respectfully requests that the § 101 rejection of claims 1-14, 16-17, and 20-27 be withdrawn.

§ 102 and § 103 Rejections

Claims 1-11 and 29-42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,020,697 ("Goodman").

Claims 12-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goodman, in view of U.S. Patent No. 6,968,438 ("Russo").

Claims 12-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goodman, in view of U.S. Patent No. 6,094,706 ("Factor").

The Claims

Claim 1 has been amended and, as amended, recites a programming interface embodied on one or more computer-readable storage media, comprising:

- a first group of services related to re-usable user interface controls, the first group of services including a control that allows preview images of items to be displayed;
- a second group of services related to user interface dialogs and user interface wizards, the second group of services including a first dialog to allow files and folders to be opened and saved;
- a third group of services related to extending the user interface functionality, **the third group of services including functionality to allow identification of application-defined thumbnails**; and
- a fourth group of services related to extending functionality of a desktop of the user interface, **the fourth group of services including functionality to allow a sidebar to be displayed on the**

desktop, wherein the first and second and third and fourth groups of services are defined by respective namespaces of the programming interface.

Applicant respectfully traverses the Office's rejection.

Specifically, Goodman fails to provide a third group of services related to extending the user interface functionality, the third group of services including functionality to allow identification of application-defined **thumbnails**, as recited by the subject matter of claim 1, as amended. Also, Goodman fails to provide a fourth group of services related to extending functionality of a desktop of the user interface, the fourth group of services including functionality to allow a **sidebar** to be displayed on the desktop, as recited by the subject matter of claim 1, as amended. Furthermore, Goodman fails to provide first and second and third and fourth groups of services are defined by respective **namespaces** of the programming interface, as recited by the subject matter of claim 1, as amended.

Rather, Goodman is directed to an execution architecture that contains common, run-time services required when an application executes in the net-centric computing system (Abstract of Goodman). However, Goodman is totally silent in regard to **thumbnails**, in any context or for any purpose. In turn, Goodman is devoid of any mention of a **sidebar** to be displayed on the desktop. Also, Goodman fails to discuss **namespaces** in any way or for any purpose.

In particular regard to **namespaces**, the pending application provides:

By using namespaces, a designer can organize a set of types into a hierarchical namespace. The designer is able to create multiple groups from the set of types, with each group containing at least one type that exposes logically related functionality. In the exemplary implementation, the API 142 is organized to include three root namespaces. It should be noted that although only three root

namespaces are illustrated in Fig. 2, additional root namespaces may also be included in API 142. The three root namespaces illustrated in API 142 are: a first namespace 200 for a presentation subsystem (which includes a namespace 202 for a user interface shell), a second namespace 204 for web services, and a third namespace 206 for a file system. Each group can then be assigned a name. For instance, types in the presentation subsystem namespace 200 can be assigned the name "Windows", and types in the file system namespace 206 can be assigned names "Storage". The named groups can be organized under a single "global root" namespace for system level APIs, such as an overall System namespace. By selecting and prefixing a top level identifier, the types in each group can be easily referenced by a hierarchical name that includes the selected top level identifier prefixed to the name of the group containing the type. For instance, types in the file system namespace 206 can be referenced using the hierarchical name "System.Storage". In this way, the individual namespaces 200, 204, and 206 become major branches off of the System namespace and can carry a designation where the individual namespaces are prefixed with a designator, such as a "System." prefix. (Page 12, line 13 to page 13, line 9 of Specification as originally filed).

Notably, namespaces are instrumental to the hierarchical organization of types within an API, thus avoiding confusion or ambiguity as to how those types are logically grouped. Goodman expresses no concern for the definition, use or advantages of namespaces. Simply put, Goodman is lacking subject matter as positively recited by claim 1, as amended.

In view of the foregoing, Applicant asserts that the § 102 rejection of claim 1, as amended, is unsupportable and must be withdrawn. Applicant further asserts that claim 1, as amended, is allowable.

Claims 2-5, as amended, respectively depend from claim 1, as amended. It is axiomatic that claims 2-5 (as amended) are also allowable at least by virtue of their dependence from an allowable base claim. While the particular § 102 rejections of claims 2-5, as amended, have been considered, they are not seen as

contributing anything of merit in view of the allowability of independent claim 1, as amended.

Claim 6 has been amended and, as amended, recites a system implemented by way of one or more computers, comprising:

- means for exposing a first set of functions that enable re-usable controls of a user interface;
- means for exposing a second set of functions that enable re-usable dialogs of the user interface and re-usable wizards of the user interface; and
- means for exposing a third set of functions that enable extending functionality of a desktop of the user interface, **wherein the means for exposing the first set of functions including means for exposing one or more functions that allow items to be added to a sidebar of the desktop.**

Applicant respectfully traverses the Office's rejection.

Specifically, Goodman fails to provide <u>wherein the means for exposing the first set of functions including means for exposing one or more functions that allow items to be added to a sidebar of the desktop</u>, as recited by claim 6, as amended. Again, Goodman is totally devoid of **sidebar**, in any context. In turn, Goodman is devoid of any **functions that allow items to be added to a sidebar of the desktop**, as recited by claim 6, as amended. Goodman is directed to other means and methods than the subject matter of claim 6, as amended.

In view of the foregoing, Applicant asserts that the § 102 rejection of claim 6, as amended, is unsupportable and must be withdrawn. Applicant further asserts that claim 6, as amended, is allowable.

Claims 7-11, as respectively amended, respectively depend from claim 6, as amended. It is axiomatic that claims 7-11 (as respectively amended) are also

allowable at least by virtue of their dependence from an allowable base claim. While the particular § 102 rejections of claims 7-11, as respectively amended, have been considered, they are not seen as contributing anything of merit in view of the allowability of independent claim 6, as amended.

Claim 12 has been amended and, as amended, recites a method implemented by way of one or more computers of organizing a set of types for a user interface into a **hierarchical namespace** comprising:

- creating a plurality of groups from the set of types, each group containing at least one type that exposes logically related functionality;
- assigning a name to each group in the plurality, wherein one of the groups in the plurality includes functionality related to re-useable user interface controls, and wherein another of the groups in the plurality includes functionality related to re-useable user interface dialogs and re-useable user interface wizards, and wherein **yet another of the groups of the plurality includes functionality to allow-application identification of thumbnails**; and
- selecting a top level identifier and prefixing the name of each group with the top level identifier so that the types in each group are referenced by a hierarchical name that includes the selected top level identifier prefixed to the name of the group containing the type.

Applicant respectfully traverses the Office's rejection, for at least the following reasons:

A.   The References Fail to Disclose Claimed Subject Matter

Specifically, Goodman fails to teach or suggest any method or means related to a hierarchical **namespace**, as recited by the subject matter of claim 12, as amended. Also, Goodman fails to teach or suggest a yet another of the groups of the plurality includes functionality to allow application identification of

thumbnails, as recited by the subject matter of claim 12, as amended. Again, Goodman expresses no interest in **thumbnails**, whatsoever.

Russo fails to cure the deficiencies of Goodman. In particular, Russo fails to teach or suggest <u>yet another of the groups of the plurality includes functionality</u> <u>to allow application identification of thumbnails</u>, as recited by the subject matter of claim 12, as amended. Russo, like Goodman, is totally lacking any discussion or suggestions related to a **thumbnail**, in any context or for any purpose.

Rather, Russo is directed to enabling the reuse of algorithms in multiple application frameworks with no alterations required of the algorithm once it is developed (Abstract of Russo). However, Russo expresses no interest in any aspect of a graphical user interface (GUI). In turn, the teachings of Russo are not directed to **thumbnails, application identification of thumbnails**, or any equivalent subject matter.

There is no way to select elements from Goodman, and then to somehow combine those elements with other elements selected from Russo, in order to arrive at the subject matter of claim 12, as amended, as no possible combination of Goodman and Russo teaches or suggests all of the required features and limitations. For at least this reason, the § 103 rejection of claim 12 (as amended) over Goodman in view of Russo is unsupportable and should be withdrawn.

Furthermore, Factor fails to cure the deficiencies of Goodman. Specifically, Factor fails to teach or suggest <u>yet another of the groups of the</u> <u>plurality includes functionality to allow application identification of thumbnails</u>, as recited by the subject matter of claim 12, as amended. Factor is completely devoid of any discussion or suggestion related to a **thumbnail**.

Rather, Factor is directed to resolving access patterns in a data processing

system using the "pigeon hole principle" (Abstract of Factor). More particularly, Factor is concerned with searches along a vertices set of cache items (i.e., searching methodologies) (Abstract of Factor). None the less, Factor expresses no interest in a graphical user interface (GUI) or elements thereof. In turn, the teachings of Factor are not directed to **thumbnails, application identification of thumbnails**, or any equivalent subject matter.

There is no way to select elements from Goodman, and then to somehow combine those elements with other elements selected from Factor, in order to arrive at the subject matter of claim 12, as amended, as no possible combination of Goodman and Factor teaches or suggests all of the required features and limitations. For at least this reason, the § 103 rejection of claim 12 (as amended) over Goodman in view of Factor is unsupportable and should be withdrawn.

Accordingly, the Office's *prima facie* case of obviousness fails for at the least the reason that any possible combination of Goodman and Russo, or Goodman and Factor (or Goodman, Russo <u>and</u> Factor, for that matter) fails to teach or suggest all of the features recited in the claimed subject matter.

B.   <u>Improper Motivation to Combine and/or Modify Reference</u>

Assuming for the sake of argument alone that Goodman, when combined with either Russo or Factor, does teach all of the required features (which it does not), the Office has nevertheless failed to establish a sufficient motivation to combine Goodman and Russo and/or Factor.

Applicant respectfully reminds the Office that to establish a prima facie case of obviousness, *there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary*

skill in the art, to modify the reference or to combine reference teachings. See, e.g., *In re Jones,* 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Here, there is simply no suggestion or motivation in any of the references to support the modification argued by the Office, especially in view to the mutual deficiencies of the cited references.

Moreover, this motivation is lacking in the type of particularity that is required to make out a *prima facie* case of obviousness. That is, the Office's stated motivation is so general that it could serve as a motivation to modify Goodman in any manner whatsoever.

Further still, any suggested alteration of the teachings of Goodman, in view of Russo or Factor, is impermissible because, at the very least, Goodman provides no teaching or suggestion in regard to a **hierarchical namespace**. It would be necessary to change <u>a principle of operation</u> of Goodman in order to include such a *hierarchical namespace.* Such a modification is impermissible in accordance with MPEP 2143.01(VI).

Accordingly, for at least these foregoing reasons, the Office's *prima facie* case of obviousness against claim 12, as amended, fails.

Applicant asserts that the respective § 103 rejections of claim 12, as amended, are unsupportable and should be withdrawn. Applicant further asserts that claim 12, as amended, is allowable.

Claims 13-14, 16-17 and 20-21 respectively depend from claim 12, as amended. It is axiomatic that claims 13-14, 16-17 and 20-21 are also allowable at least by virtue of their dependence from an allowable base claim. While the particular § 103 rejections of claims 13-14, 16-17 and 20-21 have been considered,

they are not seen as contributing anything of merit in view of the allowability of independent claim 12, as amended.

Claim 22 has been amended and, as amended, recites a method implemented by way of one or more computers, comprising:

- creating a **first namespace** with functions that enable extending functionality of a user interface, the first namespace including functionality to allow calculations to be performed when displaying information regarding one or more files or folders; and
- creating a **second namespace** with functions that enable extending functionality of a desktop of the user interface, the second namespace including:
  - **a first functionality to allow a sidebar to be displayed on the desktop**; and
  - a second functionality to allow application-defined notifications to be displayed on the desktop.

Applicant respectfully traverses the Office's rejection, for at least the following reasons:

Specifically, Goodman fails to teach or suggest <u>a first functionality to allow a sidebar to be displayed on the desktop</u>, as recited by the subject matter of claim 22, as amended. In turn, Russo fails to cure the deficiencies of Goodman. Russo fails to teach or suggest <u>a first functionality to allow a sidebar to be displayed on the desktop</u>, as recited by the subject matter of claim 22, as amended. Thus, there is no way to combine elements selected from each of Goodman and Russo in order to arrive at the subject matter of claim 22, as no possible combination of these respective references teaches or suggests all of the required features and limitations.

Also, Factor fails to cure the deficiencies of Goodman. In particular, Factor fails to teach or suggest <u>a first functionality to allow a sidebar to be displayed on</u>

the desktop, as recited by the subject matter of claim 22, as amended. Thus, there is no way to combine elements selected from each of Goodman and Factor in order to arrive at the subject matter of claim 22, as no possible combination of these respective references teaches or suggests all of the required features and limitations. Furthermore, Goodman does not permit modification so as to include **first** and/or **second namespaces**.

For at least the foregoing reasons, and for reasons analogous to those argued above in regard to claim 12 (as amended), Applicant asserts that the respective § 103 rejections against claim 22, as amended, are unsupportable and must be withdrawn. Applicant further asserts that claim 22 is allowable.

Claims 23-27 respectively depend from claim 22, as amended. It is axiomatic that claims 23-27 are also allowable at least by virtue of their dependence from an allowable base claim. While the particular § 103 rejections of claims 23-27 have been considered, they are not seen as contributing anything of merit in view of the allowability of independent claim 22, as amended.

Claim 29 has been amended and, as amended, recites a method implemented by way of one or more computers, comprising:

- calling one or more first functions to use controls of a user interface; and
- **calling one or more second functions to extend functionality of the user interface, including one or more second functions to allow identification of application-defined thumbnails.**

Applicant respectfully traverses the Office's rejection.

Specifically, Goodman fails to provide <u>calling one or more second functions to extend functionality of the user interface, including one or more</u>

second functions to allow identification of application-defined thumbnails, as recited by claim 29, as amended. Again, Goodman is totally devoid of **thumbnails**, in any context. In turn, Goodman is devoid of any **functions to allow identification of application-defined thumbnails**, as recited by claim 29, as amended.

In view of the foregoing, Applicant asserts that the § 102 rejection of claim 29, as amended, is unsupportable and must be withdrawn. Applicant further asserts that claim 29, as amended, is allowable.

Claims 30-35, as respectively amended, respectively depend from claim 29, as amended. It is axiomatic that claims 30-35 (as respectively amended) are also allowable at least by virtue of their dependence from an allowable base claim. While the particular § 103 rejections of claims 30-35 have been considered, they are not seen as contributing anything of merit in view of the allowability of independent claim 29, as amended.

Claim 36 has been amended and, as amended, recites a method implemented by way of one or more computers, comprising:

- receiving one or more calls to one or more first functions to use controls of a user interface; and
- receiving one or more calls to one or more second functions to extend functionality of a desktop of the user interface, wherein the first functions to use controls of the user interface include **one or more functions that allow items to be added to a sidebar of the desktop**, and wherein the second functions to extend functionality of a user interface include one or more functions to allow calculations to be performed when displaying information regarding one or more files or folders.

Applicant respectfully traverses the Office's rejection.

Specifically, Goodman fails to provide <u>one or more functions that allow</u> <u>items to be added to a sidebar of the desktop</u>, as recited by the subject matter of claim 36, as amended. Goodman is totally devoid of **sidebar**, in any context. In turn, Goodman is devoid of any **functions that allow items to be added to a sidebar of the desktop**, as recited by claim 36, as amended. Goodman is directed to other means and methods than the subject matter of claim 36, as amended.

In view of the foregoing, Applicant asserts that the § 102 rejection of claim 36, as amended, is unsupportable and must be withdrawn. Applicant further asserts that claim 36, as amended, is allowable.

Claims 37-42, as respectively amended, respectively depend from claim 36, as amended. It is axiomatic that claims 37-42 (as respectively amended) are also allowable at least by virtue of their dependence from an allowable base claim. While the particular § 102 rejections of claims 37-42, as respectively amended, have been considered, they are not seen as contributing anything of merit in view of the allowability of independent claim 36, as amended.

Conclusion

The claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully submitted,

Dated: *March-29-2007*   By: *Scott K. Gallert*

Scott K. Gallert
Reg. No. 51,715
Lee & Hayes, PLLC
(509) 324-9256